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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/644,007

08/20/2003

Kazunori Bannai

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03/27/2009

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
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ALEXANDRIA, VA 22314

EXAMINER

AL HASHIMI, SARAH

ART UNIT

PAPER NUMBER

2853

NOTIFICATION DATE

DELIVERY MODE

03/27/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/644,007	Applicant(s) BANNAI ET AL.	
	Examiner Sarah Al-Hashimi	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-36 is/are pending in the application.
- 4a) Of the above claim(s) 7-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/26/2009 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,4 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakajima (US 2002/0001118).

Nakajima teaches:

Claim 1: adjusting a position at which one of said image carriers is irradiated with an optical beam of a laser light emitting element in a sub-scanning direction to correct said color shift while said optical beam is irradiated from said optical writing device onto said image carriers to develop the latent one-color images, said adjusting including, reading a pattern written on said image carriers (fig 3a); detecting the color shift among the developed one-color images (fig 3a); rotating the laser light emitting element which is

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rotatably held by a holding member, about a rotational central axis of the holding member to move a laser light emitting position of the laser light emitting element in a sub-scanning direction with an optical axis of the optical beam being inclined with respect to the rotational central axis of the holding member, based on the result of the reading (abs lines 4-5); and substantially aligning the rotational central axis of the holding member with the optical axis of the optical beam at a point at which the optical beam is deflected off of a mirror towards one of the image carriers (abs lines 6-9).

Claim 4: setting a write timing at which said pattern is written based on a timing at which a reference point provided on an intermediate transfer element is detected (fig 5 #48).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima (US 2002/0001118) in view of Hirai (US 6,148,168).

Nakajima doesn't teach but Hirai teaches:

Claim 3: setting a write timing at which said pattern is written based on a timing at which a reference point provided on one of said image carriers is detected (col 14 lines 50-56 "the timing control means performs control in such a sequence that one image forming station to be the reference, in the image forming portion, forms a pattern image; the

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image forming station to be adjusted forms another pattern image, which is superimposed over the pattern image formed by the reference image forming station"). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Nakajima to incorporate setting a write timing at which said pattern is written based on a timing at which a reference point provided on one of said image carriers is detected as taught by Hirai in order to enhance image accuracy.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima (US 2002/0001118) in view of Yoshino (US 6,342,963).

Nakajima does not teach but Yoshino teaches:

Claim 5: correcting a write timing at which said optical writing device writes an image; correcting the position of the optical beam, wherein said correcting a writing timing and said correcting the position of the optical beam are executed concurrently (col 19 lines 65-67 "write timing by laser beam "Y" is changed), and while setting the laser beam "K" as a reference, the side registration position for another color is changed").

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Nakajima to incorporate correcting a write timing at which said optical writing device writes an image; correcting the position of the optical beam, wherein said correcting a writing timing and said correcting the position of the optical beam are executed concurrently as taught by Yoshino to improve the accuracy of imaging by not comprising a time delay between writing time and beam position with a time delay.

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7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima (US 2002/0001118) in view of Yoshino (US 6,342,963) as applied to claim 5 above, and further in view of Tada (US 6,115,165).

Nakajima in view of Yoshino does not teach but Tada teaches:

Claim 6: said correcting the write timing includes correcting a portion corresponding to a quotient derived by dividing an amount of misregistration by a dot pitch, and said correcting the position of the optical beam includes correcting a portion corresponding to a residual resulting from the dividing of the amount of misregistration by the dot pitch (col 2 lines 55-57 "h is equal to a quotient (a natural number) obtained by dividing the interval r between the light beams by the interval P between the scanning lines").

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Nakajima in view of Yoshino to further incorporate said correcting the write timing includes correcting a portion corresponding to a quotient derived by dividing an amount of misregistration by a dot pitch, and said correcting the position of the optical beam includes correcting a portion corresponding to a residual resulting from the dividing of the amount of misregistration by the dot pitch as taught by Tada in order to ensure the beam is positioned accurately when imaging and appropriately taking the error into account.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah Al-Hashimi whose telephone number is 571 272 7159. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on 571 272 2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either PAIR or Public PAIR. Status information for unpublished applications is available through PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SA/

/Stephen D Meier/
Supervisory Patent Examiner, Art Unit 2853